

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 16, 2007

DIVISION TWO

B192071 Mitsubishi Power Systems, Inc. (Not for Publication)
 v.
 Texas Wind Power Company, et al.

The order of the trial court is reversed. Mitsubishi is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B187981 Chatman (Not for Publication)
 v.
 YMCA of Metropolitan Los Angeles

The order and judgment of the trial court are affirmed. The YMCA is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (continued)

B185517 Vermont & 43rd Medical Clinic, Inc. (Not for Publication)
v.
Molina Medical Centers, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B192213 Lang (Not for Publication)
v.
Roche

The judgment is reversed. The case is remanded for a new trial on Lang's claim for equitable relief from the default judgment. Lang may recover his costs on appeal from Roche.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B187376 People (Not for Publication)
v.
Magdaleno

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

May 16, 2007 (Continued)

DIVISION TWO (continued)

B189842 People (Not for Publication)
 v.
 Herrera

The parole revocation fine is stricken, and the judgment is otherwise affirmed. The trial court is directed on remand to amend the abstract of judgment accordingly.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B190887 People v. Jamaul Monk
B187392 People v. Jose Beteta

Argument waived, cause submitted.

B192553 People
 v.
 Lenko Mariani

Merits:
Argued by Roderick Leonard for appellant and by Allison Chung, Deputy Attorney General for respondent. Cause submitted.

DIVISION THREE (continued)

B188736 People
 v.
 Alex Ybarra

Merits:
Argued by Patricia Ihara for appellant and by Tita Nguyen, Deputy
Attorney General for respondent. Cause submitted.

B185675 John Alvord
 v.
 State of California

Merits:
Argued by Benjamin Robinson for appellant and by Marint Henry Milas,
Deputy Attorney General for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy
Clerk.

Each of the following:

B183224 People v. Jesse Rioz
B188472 People v. Stacey Thomas
B190556 People v. John Garcia

Argument waived, cause submitted.

DIVISION THREE (continued)

B190766 Melanie Ann Siegel
 v.
 Newspapers First Inc. et al

Merits:

Argued by Carney R. Shegerian for appellant and by Ned H. Bassen for respondent. Cause submitted.

B185048 People
 v.
 Henry Alfredo Machuca & Joshua Mojarro

Apperances:

William Flenniken appears for appellant Mojarro and Luaren E. Dana, Deputy Attorney General appear for respondent. No appearance by counsel for appellant Machuca. Counsel for Machuca makes a telephonic request for a continuance. In open court oral argument is ordered continued to June 13, 2007, at 1:30 p.m.

B192856 James R. Howe
 v.
 Dept of Motor Vehicles

Merits:

Argued by Ronald Jackson for appellant and by Patricia A. Nevonen, Deputy Attorney General for respondent. Cause submitted.

B189892 Christopher B. Nance et al
 v.
 National Broadcasting Company Inc.

Merits:

Argued by W. Ruel Walker for appellants and by Melissa McCormick for respondents. Cause submitted.

May 16, 2007 (Continued)

DIVISION THREE (continued)

B196903 William H. Wimsatt
 v.
 Superior Court, Los Angeles County
 (Corey Kausch, r.p.i.)

Merits:

Argued by George J. Stephan for petitioner; by Craig Rackohn for real party in interest and by Ivan K. Stevenson for amicus curiae. Cause submitted.

Court adjourned.

DIVISION FOUR

B189584 People (Not for Publication)
 v.
 Thompson

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Suzukawa, J.

DIVISION FOUR (continued)

[illegible]

The judgment is conditionally reversed and the matter is remanded for a determination whether the available evidence establishes appellant's mental competence as of the time of trial in 2006. If so, the court may make such finding *nunc pro tunc* and reinstate the original judgment. If not, the court must hold a new competency hearing and trial.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B191875 Optima Funding, Inc. (Not for Publication)
v.
Wayne Strang

We affirm the judgment of the trial court. Defendant Strang is awarded his costs of appeal. The matter is remanded to the trial court in connection with attorney fees on appeal.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

May 16, 2007 (Continued)

DIVISION SIX

B183412 People (Certified for Publication)
v.
Cervantes

The order approving the settled statement is vacated and the cause is remanded for further proceedings with instructions that the trial court hold a hearing to determine whether Cervantes' trial attorney is able to assist the court in preparing a settled statement. If the court is not able to approve a settled statement, it shall vacate the judgment and order a new trial.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B190210 People (Not for Publication)
v.
Brown, III

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B191880 Portfolio Recovery Assocs. (Not for Publication)
v.
Robinson

The order setting aside the default and default judgment is affirmed. Costs on appeal, if any, are awarded to respondents.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B189932 People (Not for Publication)
v.
Taylor

The judgment is reversed and remanded to the trial court to conduct an in camera hearing, and further proceedings consistent with this opinion. Should the hearing reveal no information subject to discovery, the judgment shall be reinstated. We affirm the judgment in all other respects.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B191810 Acosta (Certified for Publication)
v.
Kerrigan

The orders awarding Respondent attorney fees and denying Appellant's petition to compel arbitration of the attorney fees issue are affirmed. Respondent is entitled to recover his costs on appeal.

Johnson, J.

I concur: Perluss, P.J.
I dissent: Zelon, J. (opinion)

May 16, 2007 (Continued)

DIVISION EIGHT

B196726 Tracey C., (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department Of Children and Family Services et al

The petition for an extraordinary writ is denied on the merits. This opinion is final forthwith as to this court under rule 8.264 of the California Rules of Court.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.